

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSHUA HOPE,	:	
	:	
Plaintiff,	:	07-CV-4726 (RJS)
	:	
-against-	:	<b>AFFIDAVIT OF</b>
	:	<b>JOSEPHINE CHUNG</b>
U.S. DEPARTMENT OF HOUSING AND URBAN	:	<b>IN SUPPORT OF</b>
DEVELOPMENT, ST. MARGARET HOUSE and	:	<b>MOTION TO DISMISS</b>
JOSEPH BREED,	:	<b><u>THE COMPLAINT</u></b>
	:	
Defendant.	:	

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STATE OF NEW YORK     )  
                                      :   ss.:  
COUNTY OF NEW YORK   )

JOSEPHINE CHUNG, being duly sworn, deposes and says:

1.       I am the Coordinator for Maintenance, Housekeeping, and Security for St. Margaret's House, a not-for-profit housing facility located at 49 Fulton Street, New York, New York. I make this affidavit in support of the motion to dismiss filed on behalf of St. Margaret's House and its Executive Director, Joseph Breed.

2.       I am an employee of St. Margaret's House responsible for maintenance, housekeeping, and security. I am not an officer or director of St. Margaret's House, have never been authorized or appointed to receive service for St. Margaret's House, and have never functioned as a cashier or assistant cashier for St. Margaret's House.

3.       On July 11, 2007, when I was sitting at the reception desk and filling in for a St. Margaret's House lobby security officer, one copy of the complaint herein and one copy of the civil cover sheet were left with me by an outside messenger indicating that he had "legal

documents”. The papers were delivered without any envelope, label or other indication as to the intended recipient. No summons was served then or at any other time. To my knowledge, neither the summons nor the complaint was ever served by mail or in any other manner to St. Margaret’s House or Mr. Breed.

4. I am advised by counsel that, under the foregoing circumstances, neither St. Margaret’s House nor Mr. Breed has been properly served in this action.

WHEREFORE, on behalf of defendants St. Margaret’s House and Joseph Breed, and for the reasons set forth herein, and in the Affidavits of Joseph Breed and Matthew S. Fenster, and the accompanying memorandum of law, I respectfully request that the Court enter an Order (i) dismissing the complaint in its entirety as against St. Margaret’s House and Mr. Breed; and (ii) granting St. Margaret’s House and Mr. Breed such other and further relief as the Court may deem just and proper.

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s/Josephine Chung  
Josephine Chung

Sworn to before me this  
13th day of November, 2007.

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s/Notary Public  
Notary Public